

CITY OF CLARKSTON

CLARKSTON CITY MEETING

ITEM NO: E2

HEARING TYPE:
Council Meeting

BUSINESS AGENDA / MINUTES

MEETING DATE: January 6, 2015

ACTION TYPE:
Resolution

SUBJECT: Second Read-Ordinance to Amend Charter- Power to punish for contempt

DEPARTMENT: Administration

PUBLIC HEARING: ☒ YES ☐ NO

ATTACHMENT: YES ☒ NO ☐
Pages: 3

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PURPOSE: To consider exercising the city's authority for a Home Rule change to the City Charter to raise limitations for criminal contempt and remove anachronistic references.

NEED/ IMPACT: Currently, the City Charter Section 3.06 makes references to "the Mayor's Court" and limits the contempt of court fine to \$50. For the purposes of criminal contempt, this limitation prohibits the Municipal Court of Clarkston from imposing a greater monetary penalty. Further, the reference to "Mayor's Court" is an anachronistic term dating back to an era when cities could appoint anyone as a judge. Today, this is not allowed by state law and all courts are now referred to as "municipal courts" and they must be presided over by a judge who is a qualified member of the State Bar of Georgia (O.C.G.A. 36-32-1(a)).

O.C.G.A. § 36-35-3 give authority for cities to exercise Home Rule power to change their Charter. A Home Rule Charter Amendment is accomplished by passing an ordinance at two successive regular meetings. Under the Home Rule process the city can pass a Charter amendment to address the two issues of outdated terminology and limitation of contempt fines.

RECOMMENDATIONS: Staff recommends that the City Council approve the Charter Amendment Ordinance to remove limitations of criminal contempt and anachronistic terminology by Home Rule Charter.